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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 AMERICAN ECONOMY INSURANCE
12 COMPANY, an Indiana corporation,

13 Plaintiff,

14 vs.

15 NICEFORO HERRERA, individually and
16 doing business as ACAPULCO'S PRODUCE
MARKET, et al.,

Defendants.

CASE NO. 06cv2395 WQH (CAB)

ORDER

HAYES, Judge:

17 The Joint Motion for Entry of Judgment of Rescission (Doc. # 71) is **GRANTED**. The
18 business owner's policy of insurance, policy No. 02-BP-423048-1, issued to Niceforo Herrera for the
19 January 23, 2006 to January 23, 2007 policy period is rescinded and unenforceable. JUDGMENT is
20 entered in favor of American Economy Insurance Company and against Niceforo Herrera on the first
21 and second claims in the supplemental first amended complaint (Doc. # 60). The third, fourth and
22 fifth claims in the supplemental first amended complaint are DISMISSED with prejudice as against
23 Niceforo Herrera only. American Economy Insurance and Niceforo Herrera shall each bear its own
24 costs and fees.

25 DATED: May 7, 2008

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27 **WILLIAM Q. HAYES**
28 United States District Judge